

UNITED STATES DISTRICT COURT **FILED**

SOUTHERN DISTRICT OF CALIFORNIA 07 MAY 18 PM 12:47

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA)

C O M P L A I N T

BY:

DEPUTY

Plaintiff,)

Case No.

'07 MJ 1105

v.)

Title 18 U.S.C., Sec. 922(g)(5)

SOPHIA DIAZ-GOMEZ,)

Unlawful Alien in Possession

of a Firearms (Felony)

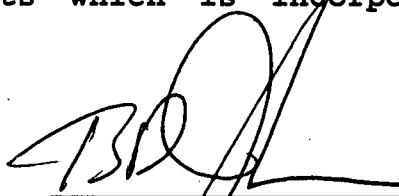
Defendant.)

The undersigned complainant being duly sworn states:

COUNT 1

On April 25, 2005, within the Southern District of California, defendant SOPHIA DIAZ-GOMEZ, an illegal alien, did possess a firearms that traveled in and affected interstate commerce, to wit: a Rohm, model RC-10, .22 caliber revolver, bearing serial number 891218; in violation of 18 United States Code, Section 922(g)(5).

AND the complainant states that this complaint is based on the attached statement of facts which is incorporated herein by reference.



Brooks D. Jacobsen, Special Agent
Bureau of Alcohol, Tobacco Firearms
and Explosives

SWORN AND SUBSCRIBED TO before me
this 18 th day of May, 2007.


JAN M. ADLER,
United States Magistrate Judge

STATEMENT OF FACTS

RE: SOPHIA DIAZ-GOMEZ

In violation of the aforementioned statutes the following acts were committed in the Southern District of California:

On February 21, 2007, I was contacted by Immigration and Customs Enforcement (ICE), Senior-Special Agent (SS/A) Joseph Ficara, for assistance with an investigation and prosecution of Sofia DIAZ-Gomez, an illegal alien, who admitted to law enforcement personnel as to having been in possession of firearm on or about April 22, 2005.

On February 23, 2007, I met with ICE SS/A Ficara who provided SA Jacobsen with information about DIAZ-Gomez, who on February 9, 2007, during a post arrest interview, admitted to Border Patrol Agent Michael Riches that she had suffered a conviction for the possession of a loaded firearm.

Subsequent law enforcement data base queries and the procurement of court certified conviction documents verified a misdemeanor conviction on June 13, 2005, for possession of carrying a loaded firearm in a vehicle, in violation of California Penal Code 12031(a)(1). This violation occurred in Ramona, California, on April 4, 2005, San Diego County Sheriff's Department case number 05034304-R.

On March 1, 2007, I took possession of evidence from the San Diego Sheriff's Department Crime Laboratory, the following items: One (1) - Rohm, model RC-10, .22 caliber revolver, bearing serial number 891218; twenty eight (28) rounds of .22 caliber ammunition manufactured by Remington and two latent fingerprints that were obtained from the revolver and a drug smoking pipe. These items were found in the possession of DIAZ-Gomez on April 22, 2005. I know from my training and expertise and from conversations with other agents with whom I work that the firearm and ammunition have traveled in and affecting commerce.

On March 13, and 14, 2007, I reviewed a San Diego Sheriff's Department Arrest Report pertaining to the contact and arrest of DIAZ-Gomez by Deputy Sheriff Kurt Torsak. The report provides a detailed chronology of the discovery and seizure of the firearm possessed by DIAZ-Gomez the night of April 22, 2005.

During the review of the Sheriff's Department Arrest Report, I also contacted now Detective Torsak, who immediately recalled the traffic stop and arrest of DIAZ-Gomez. Detective Torsak stated that DIAZ-Gomez was "cited and released" on April 22,

2005, pending a future court date for possession of a loaded firearm and possession of drug paraphernalia.



Brooks D. Jacobsen,
Special Agent
Bureau of Alcohol, Tobacco
Firearms and Explosives

SWORN AND SUBSCRIBED TO before me
this 18th day of May, 2007.



JAN M. ADLER
United States Magistrate Judge